

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 04-6585**

---

EDWARD VAN MCCRAE,

Petitioner - Appellant,

versus

GARY MILLER, SUP'T,

Respondent - Appellee.

---

Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. James A. Beaty, Jr.,  
District Judge. (CA-03-213-1)

---

Submitted: August 25, 2004

Decided: September 8, 2004

---

Before LUTTIG, KING, and DUNCAN, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Edward Van McCrae, Appellant Pro Se. Sandra Wallace-Smith,  
Assistant Attorney General, Raleigh, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Edward Van McCrae seeks to appeal the district court's order adopting a magistrate judge's report and recommendation and denying relief on his petition filed under 28 U.S.C. § 2254 (2000). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that McCrae has not made the requisite showing.

Accordingly, we deny a certificate of appealability and McCrae's motion for general relief requesting copies of various court filings and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED